

Application No.: 10/662,288

REMARKS

I. Introduction

In response to the Office Action dated November 15, 2004, Applicants have canceled claims 1-12, without prejudice or disclaimer. Thus, the pending rejections to claims 1-2, 7 and 10-12 under 35 U.S.C. § 102(e) and claims 3-4 and 8-9 under 35 U.S.C. § 103(a) are moot in view of the cancellation thereof. Also, Applicants have added new claims 13-44. Support for these amendments can be found, for example, at page 10, lines 14-20, page 13 line 26 to page 13, line 3, and in Figs. 1-5 and their corresponding sections of the specification. No new matter has been added.

Furthermore, with regard to new claims 13 and 21, these claims recite in-part a method for forming a semiconductor device comprising the step of forming a high dielectric insulating film on the insulating film. However, at a minimum, Matsudo, Paton and Inoue, taken alone or in combination, are silent to providing two insulating films, let alone placing the insulating films in the specific manner recited by new claims 13 and 21. Thus, for these reasons, Matsudo, Paton and Inoue, taken alone or in combination, do not disclose or suggest the claim elements recited by new claims 13 and 21.

With respect to new claim 30, this claim recites in-part a method for forming a semiconductor device comprising the steps of irradiating a light onto the substrate having the high dielectric insulating film and the conductive film, and forming a gate insulating film and a gate electrode after the step of irradiating.

In contrast, Matsudo is silent with regard to providing any high dielectric insulating film, conductive film or gate electrode. On the other hand, Paton discloses forming the high-k dielectric layer 14 and the gate electrode 20g (see, Fig. 5) prior to subjecting the MOSFT

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semiconductor device 10 with laser thermal annealing (LTA) (see, Fig. 5). As such, Paton does not disclose or suggest forming the high-k dielectric layer 14 and the gate electrode 20g after the LTA. Thus, for these reasons, Matsudo, Paton and Inoue, taken alone or in combination, do not disclose or suggest the claim elements recited by new claim 30.

With respect to new claim 38, this claim recites in-part a method for forming a semiconductor device comprising the step of forming a high dielectric insulating film on a lower capacitor electrode. However, at a minimum, neither Matsudo, Paton nor Inoue, taken alone or in combination, disclose or suggest any capacitor. Thus, for these reasons, Matsudo, Paton and Inoue, taken alone or in combination, do not disclose or suggest the claim elements recited by new claim 38.

II. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as new independent claims 13, 21, 30 and 38 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

III. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

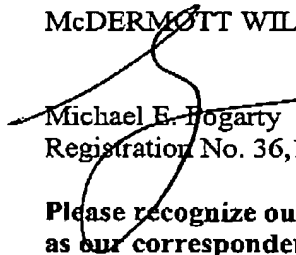
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If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

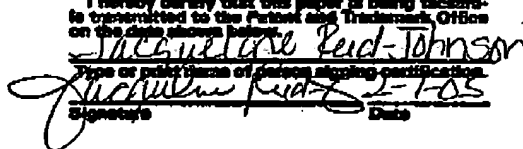

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